IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL REFERENCE NO. 2 OF 2005

DATE OF DECISION: September 15, 2006.

Parties Name

Amar Singh

VERSUS

Pritam Singh and others

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: Mr. Govind Goel, Advocate,

Mr. B.S. Bhalla, Advocate,

Mr. M.K.Dogra, Advocate'

JASBIR SINGH, J. (oral)

ORDER:

This matter has been put up before this Court on a reference made by the Civil Judge, Junior Division, Moga. The above said officer has referred the following question of law for consideration:

> "Whether affidavits containing examination -in-chief of witnesses in every civil case are to be accepted in evidence in view of the law as discussed above?
>
> OR
>
> Whether the witnesses are to be examined-in-chief in the court in each civil case instead of taking their affidavits containing examination-in-chief in view of the findings made by Sh. Sukhdev Singh, Ld. Addl. District Judge, Moga in the case cited in the subject?"

Counsel for the parties are in agreement that in view of the lay

laid down by Hon'ble Supreme Court in Ameer Trading Corporation Ltd. vs. Shampoorji Data Processing Ltd., 2004 (1) Recent Civil Reports 259, it is permissible for the trial Court to accept evidence of the witnesses in examination-in-chief by way of affidavits. In view of ratio of the judgment of the Hon'ble Supreme Court in above referred case, the reference is answered accordingly.

September 15, 2006. (Jasbir Singh)
DKC Judge